

**05-M-02108**

---

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

---

**UNITED STATES OF AMERICA**

**vs.**

**MARYANN CROOKS**

---

---

**SENTENCING MEMORANDUM**

---

Dated: October 4, 2005

Submitted by:

THOMAS J. EOANNOU, ESQ.

Eoannou, Lana & D'Amico  
484 Delaware Avenue  
Buffalo, New York 14202  
(716)885-2889 (T)  
(716)883-2163 (F)

TO: HON. HUGH B. SCOTT  
UNITED STATES MAGISTRATE JUDGE

GREGORY L. BROWN, ESQ.  
ASSISTANT UNITED STATES ATTORNEY

DAVID W. BALL  
UNITED STATES PROBATION OFFICER

## **I. Introduction**

This memorandum is submitted to provide the Court with the information that will allow it to consider the sentencing factors relevant to this case as required by United States v. Booker, 125 S.Ct. 738 (2005) and United States v. Crosby, 397 F.3d 103 (2d Cir. 2005). Sentencing is scheduled for October 6, 2005.

The defendant pleaded guilty to Exceeding Authorized Access to a Government Computer in violation of 18 U.S.C. § 103(a)(2)(B), a Class A Misdemeanor.

## **II. Character and History of the Defendant**

Mary Ann has led a quite life, never intruding on others. Her one goal is to do what is best for her family.

Mary Ann Crooks is the youngest of three children born to a married couple in Hamburg, New York. She is the product of a stable home, with parents who remained married until her father's death. Mary Ann's father, Edward Button was a truck driver for Wonder Bread for the majority of his working life. For the last fifteen years of his life he was the president of Teamsters Local 264. Edward died of cancer at age sixty eight in 1999. Mary Ann's mother worked as a secretary but is currently retired. She resides in Hamburg to this day.

Mary Ann has never really lived alone; she stayed with her parents until she was twenty-three-years-old when she married her first husband Mark Olejnik. This marriage resulted in the birth of Mary Ann's first child, Meghan Olejnik. Mary Ann's first marriage

was an abusive one but ultimately it was her husband's neglect of Meghan that resulted in Mary Ann leaving the situation. Her husband used alcohol on a daily basis; he drank from the time that he got home from work until he went to bed. On nights that Mary Ann would work late he would often neglect to feed or bathe Meghan. Mark was very possessive of Mary Ann and their daughter. Although he spent very little time caring for Meghan, he would not allow her to leave the house after school nor would he allow her to talk to friends on the telephone. Mary Ann traces her final decision to leave her husband to an incident that occurred when Meghan was nine-years-old, in which her husband threw a jet ski at her. Mary Ann dodged the jet ski and the incident was not unlike many that had occurred before, however, this time Meghan was next to Mary Ann. Mary Ann knew that it was only a matter of time before Meghan would get hurt, so she finally left her marriage of fourteen years.

Today Meghan lives with Mary Ann, who has primary custody. Mark has visitation rights with Meghan which he chooses to exercise sparingly. Meghan sees her father less than a total of 48 hours a month. For approximately four years Mary Ann raised Meghan as a single working mother. Because of the way she was raised Mary Ann's daughter is very shy and reclusive. Mary Ann does what she can to counteract these tendencies; at Mary Ann's insistence Meghan is a member of her school's volley ball team and year book. Meghan is also a member of extracurricular activities outside of school including Girl Scouts and the Loyal Order of the Triangle, a community service

organization. If it were not for Mary Ann's encouragement, Meghan would choose not to engage in social activities.

Meghan has also suffered through medical problems, and Mary Ann has been the only one there for her during those times. She has severe Asthma and is susceptible to pneumonia. If left uncared for these health problems can escalate into serious life threatening incidents.

Mary Ann has also been there for Meghan as she has struggled with certain mental and emotional problems. She was diagnosed as learning disabled at age seven. She was also diagnosed with attention deficit hyperactivity disorder and depression. Meghan was on Ritalin for a brief period of time for her ADHD but Mary Ann decided to take her off the medication.

Mary Ann had medical problems of her own, mostly stemming from a diagnosis of morbid obesity. In February of 2004 she underwent a gastric bypass operation which resulted in her losing 120 pounds to date.

Shortly after her divorce, Mary Ann obtained her current employment through United States Customs and Border Protection. As a condition of her employment she underwent a thirteen-week training program at the Federal Law Enforcement Training Program in Glynco, Virginia.

In March of 2004, Mary Ann married for a second time, this time to Daniel Crooks. Mary Ann and Daniel have one child together, Kevin Crooks, who is currently two years old. Kevin has begun to exhibit some of the early signs of medical problems that plague

Mary Ann's daughter, such as asthma and pneumonia. Both Mary Ann and Daniel work fulltime. Daniel works at Schmidt's Auto Body but Mary Ann is the primary bread winner. Daniel has two adult children from a previous relationship. His son, Daniel Crooks, II is twenty-two-years old and is in the Army. He is currently at home on leave because his wife is undergoing a difficult pregnancy. He has sixteen months remaining on his commission and he will be redeployed to Iraq after his wife gives birth. Daniel's daughter is April, age 23. Unfortunately April struggles with a drug addiction. April has a five-year-old daughter named Haley, who Mary Ann treats as her own granddaughter. Because of April's drug problems Haley has a difficult time being a five-year-old. Because of this Mary Ann does whatever she can to take care of Haley, she allows Haley to spend the night, buys her clothes and food and throws her birthday parties when he mother forgets to.

Mary Ann has shown strength through the various trials in her life. She does what is necessary to giver her daughter and son the best life that she can. Currently, Mary Ann and her husband live happily together in Akron, New York with their two children.

### **III. The Instant Offense**

The instant offense involves the defendant's use of her access to a government computer for unofficial means.

On May 4, 2004, while the defendant was on duty, she received a telephone call from a co-worker, Kelly Bosinger. Kelly asked the defendant to access the government

computer system and to look up a license plate number. Kelly supplied the defendant with the license plate number and asked the defendant if the information on the computer revealed that there was a secondary narcotics inspection of the vehicle bearing that license plate number on May 1, 2004. The defendant verified this information for Kelly.

The license plate belonged to Kelly Bossinger's sister and the sister-in-law of the defendant. The information was not required for official government business.

Approximately twenty minutes after the defendant used her computer access to verify the information for Ms. Bossinger, she called United States Customs Service Office of Professional Responsibility to alert them of the unauthorized access to the computer system. Initially she told internal affairs that her access of the system was inadvertent but she has since acknowledged that she intentionally accessed the system at the behest of Ms. Bossinger.

The defendant has fully cooperated with the authorities. She has given a complete description of the events that transpired on May 4, 2004. In fact, had the defendant never made the initial call to internal affairs the instant investigation may never have occurred.

#### **IV. Conclusion**

Mary Ann Crooks is a hard working family woman who has been strong during times of need for her family, especially her daughter Meghan. Except for the instant offense she has never gone afoul of the law.

Although fully responsible for her actions, the defendant engaged in the instant offense at the request of others. She made no personal gains from her conduct. In fact, the defendant herself alerted the authorities to the instant offense, under which she now faces sentencing before this Court and over which she may lose her well paying job.

It is respectfully requested that the Court take into all of the foregoing factors and impose a sentence accordingly.

Respectfully Submitted,

/s/ Thomas J. Eoannou

---

THOMAS J. EOANNOU, ESQ.  
Eoannou, Lana & D'Amico  
484 Delaware Avenue  
Buffalo, New York 14202  
(716)885-2889 (T)  
(716)883-2163 (F)  
thomaseoannou@lawoffice484.com